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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

*In the Matter of*

*Application of Ameritech  
Michigan Pursuant to Section  
271 of the Telecommunications Act  
of 1996 to Provide In-Region,  
InterLATA Service in Michigan*

CC Docket No. 97-137

**AFFIDAVIT OF TERRY D. APPENZELLER  
ON BEHALF OF AMERITECH**

**STATE OF ILLINOIS )**

**) ss.**

**COUNTY OF COOK )**

I, Terry D. Appenzeller, being first duly sworn upon oath, do hereby depose and state as follows:

1. My name is Terry D. Appenzeller. My business address is 2000 West Ameritech Center Drive, Hoffman Estates, Illinois 60196. I am Vice President-Open Market Strategy at Ameritech Corporate. I have held this assignment since July, 1993, and in that capacity I am responsible for management of a variety of public policy issues and projects related to the Telecommunications Act of 1996:

- Overall direction and coordination of internal Subject Matter Expert teams assigned to each of the Competitive Checklist items.
- Development of CI III Open Network Architecture and CEI

filings and amendments with the FCC.

- Overall project management and external representation of Ameritech for number portability and number pooling.
- Overall direction and coordination of Ameritech's industry forum representatives on Telecommunications Act of 1996 issues.
- Ameritech's primary representative in meetings with other ILECs on common interconnection/unbundling issues and industry forum standards.

2. I received a Bachelor of Administration - Business Economics from the University of Redlands in 1969. I am also a 1988 graduate of the Advanced Management Program in Telecommunications from the University of Southern California. I have 28 years of experience in telecommunications with three different companies: Pacific Telephone (1969-1983), Satellite Business Systems/MCI (1983-1985), and Ameritech (since 1985). I have held a variety of management positions during these 28 years--customer service, network operations, data engineering, financial planning, budgets and results, regulatory, marketing and access service management.
3. At Pacific Telephone I was responsible for management of the company's relationship and operations with Interexchange Carriers from 1981-1983. During that time I was on special assignment to AT&T to develop access services and set up industry meetings and industry forums to resolve post-divestiture operational issues between IXC's and LECs. I chaired the first national industry meetings in 1982-1983. At

SBS, I was responsible for that company's relationships with all other IXC's and LECs. At Ameritech, I have managed the equal access plan, CI III implementation, expanded interconnection, development of the Customers First Plan, implementation planning associated with the Telecommunications Act of 1996 and all phases of number portability planning and implementation.

4. I have represented all three companies at almost all of the industry fora and have chaired many of them. I am the former chair of the Information Industry Liaison Committee (1990-1993), and am currently chair of the North American Numbering Council Working Committee on Number Portability, and the Illinois, Michigan, Indiana, and Ohio Number Portability Workshops.

#### **PURPOSE OF AFFIDAVIT**

5. The purpose of my affidavit is to show that industry fora that establish national standards are in fact public and open to all industry participants and not controlled by Regional Bell Operating Companies (BOCs). I will show that in fact on many issues the BOCs disagree among themselves, and that in other cases BOC proposals are not adopted. I will also demonstrate that the affidavit filed by Peter Guggina of MCI is not factually correct, and that a proper understanding of the incidents he describes demonstrates that there is no conspiracy among the BOCs.

**NATIONAL FORA ARE OPEN TO ALL MEMBERS OF THE INDUSTRY AND  
OPERATE BY CONSENSUS.**

6. Mr. Guggina makes some serious allegations, but fails to back them up with any credible evidence. By way of background, the industry fora sponsored by ATIS that Mr. Guggina refers to in his affidavit (at ¶ 7) are open to all members of the industry, and in fact many non-BOCs participate in them, including MCI, AT&T, Sprint, etc. ATIS committees operate in open proceedings, have formal escalation mechanisms for dispute resolution, and resolve issues using consensus processes. In fact, the Carrier Liaison Committee is chaired by Mr. Guggina. Each of these fora operate under industry defined consensus procedures. For example, see the attached Principles and Procedures document dated July 1996 of the Carrier Liaison Committee. (Exhibit 1).

7. Ignoring the industry-wide participation in these industry fora, and their use of consensus-building procedures, Mr. Guggina asserts that:

the BOCs have for years dominated the standards process and delayed or prevented the implementation of standards needed to ensure fair competition.

(Guggina Aff., ¶ 3).

He goes on to assert that:

the BOCs can achieve the result that serves their interests by controlling outcomes in standards committees and forums.

These claims are not supported by the facts. ATIS committees are made up of numerous entities (as many as 60 entities from the Exchange Carrier, Interexchange Carrier, Manufacturing, and Enhanced Service Provider segments may be represented) and it would be virtually impossible for one company (or even a group of companies) to dominate the process with any regularity. In fact, section 6.7.7. of the CLC Guidelines provides that dominance by a single interest group is to be avoided.

**THE INCIDENTS CITED SHOW THAT AMERITECH IS NOT PART OF ANY CONSPIRACY.**

8. Mr. Guggina cites alleged behavior by the BOCs in the T1S1 industry forum as evidence that Ameritech has delayed implementation of certain AIN standards. (Guggina Aff., ¶¶ 13-16). Mr. Guggina does not have his facts straight. Mr. Guggina relies on vague allegations about "the BOCs" in general. The fact is, Ameritech has not actively participated in T1S1 AIN standards activities for the last three years. Obviously Ameritech cannot control what it is not involved in.
9. Mr. Guggina also points to activities before the Industry Numbering Committee (INC) related to the use of Query on Release (QOR) as a solution for Local Number Portability (LNP), as alleged evidence of Ameritech misconduct. (Guggina Aff., ¶ 19). Again, his allegation is directly contrary to the facts. Ameritech has consistently and actively opposed QOR as a solution for LNP, both before the Commission and in industry fora. In fact, through the efforts of Ameritech and other members of the industry (including MCI), Local Number Routing (LRN) is now the

accepted solution. Apparently, Mr. Guggina is not aware that Ameritech led an effort to oppose QOR before the Commission that led to a joint letter filed by Ameritech and several interexchange carriers, including MCI itself, in opposition to the other BOCs. (Exhibit 2) This is hardly evidence of Ameritech being part of a BOC conspiracy.

10. Mr. Guggina further asserts that technology developed by Bellcore and the BOCs is a "closed system" for the use and benefit of the BOCs, and again cites AIN as an example of anti-competitive behavior. (Guggina Aff., ¶ 17). Again, this assertion is unsupported by the facts. In fact, the Bellcore Generic Requirements process is open to the entire industry, and includes comment solicitation and resolution for all participating entities. Moreover, as evidenced by the attached, Bellcore invites participation and funding in its projects on the Internet. (Exhibit 3)
11. Clearly, MCI is grabbing at straws. Indeed, Mr. Guggina's affidavit amounts to a complaint that MCI does not always get its way on technical issues that require industry-wide consensus. The entire affidavit is merely "noise" and should be discounted for what it is, a desperate attempt to delay Ameritech's entry into long distance.

This concludes my affidavit.

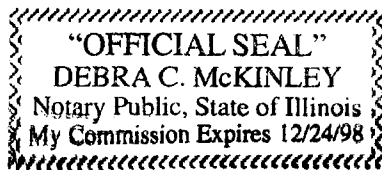
I swear, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge and belief.

  
Terry D. Appenzeller

Subscribed and sworn before me this 3rd day  
of July, 1997

  
Notary Public

My Commission expires: 12/24/98









Carrier Liaison Committee

Carrier Liaison Committee

(CLC)

Principles and Procedures

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July, 1996

Sponsored by the Alliance for Telecommunications Industry Solutions

**Carrier Liaison Committee (CLC)  
Principles and Procedures**

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## **Carrier Liaison Committee (CLC) Principles and Procedures**

### **1. Purpose of Document**

The purpose of this document is to describe the established principles and procedures which apply to the Carrier Liaison Committee (CLC) and all of its sponsored Forums, Committees/Workshops, Subcommittees (FCS) or any other activity which takes place under the auspices of the CLC.

### **2. CLC Background and Overview**

The following sections provide background information and an overview of the CLC.

#### **2.1 Background**

Proposed by the Alliance for Telecommunications Industry Solutions (formerly ECSA) in 1984, and endorsed by the Federal Communications Commission (FCC) in 1985, the CLC was established in response to an industry need for coordination and resolution of issues for the provision of exchange access and telecommunications network interconnection.

#### **2.2 Overview**

The CLC is an executive oversight committee which provides perspective, direction and an appeal process for its subtending Forums, Committees/Workshops and Subcommittees (FCS). The FCS are the primary organizations to address and resolve issues pertinent to their respective missions. The CLC does not typically become directly involved with the ongoing routine operations of the FCS or act as an arbitrator for the "final resolution" of specific issues. When issues are received at the CLC level, they are either referred to the appropriate FCS or worked by the CLC or a new FCS.

In addition, the CLC provides guidance on any and all issues which the various FCS determine warrant review by the CLC due to the complexity of the issue and controversies brought about by differing views of participants. This includes acting expeditiously on any issue declared as "No National<sup>1</sup> Agreement" (NNA) by one of its subtending FCS.

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<sup>1</sup> The terms 'industry-wide' and 'national' are used in this document. The terms should be considered interchangeable.

The CLC and its associated FCS provide an arena for discussion and resolution of numerous issues affecting the provision of exchange access and telecommunications network interconnection. The voluntary implementation of resolutions achieved in the forum process fosters consistency which can lead to cost savings for systems, as well as minimize costs for staffing and training efforts. Benefits accrue to telecommunications providers and users from having compatible systems, methods and procedures.

The CLC Principles and Procedures are intended to provide a consistent baseline process, so as to permit the CLC itself and the management of any participating entity to understand the status of an issue brought to any FCS regardless of the particular FCS involved. In addition, this process ensures that the principles and operating practices will be consistent. In some situations, the CLC's subtending FCS have established additional procedures to accommodate their own unique needs. However, no such procedure may conflict with these CLC Principles and Procedures without explicit review and approval by the CLC.

### **3. CLC Mission**

The CLC provides mechanisms for identification, discussion and voluntary resolution of industry-wide concerns regarding the provision of exchange access and telecommunications network interconnection within the North American Numbering Plan (NANP) area.

### **4. Operating Principles**

The CLC and its subtending FCS shall:

1. Afford all parties the right to be heard and to have their views and concerns considered.
2. Be free from dominance by any participant, interest group or industry segment and conduct activities in a fair and unbiased manner.
3. Support the evaluation and acceptance of issues and development of resolutions based on their merit.
4. Reach resolution of issues in a timely, efficient and effective manner and continuously seek to improve on process and/or organizational structure.

5. Recognize that broad and consistent implementation of a consensus resolution is a fundamental expectation and reason for the existence of the CLC. However, resolutions are not binding and any entity's decision to implement a resolution is solely at that entity's discretion.

## **5. Organizational Structure**

The primary means by which the CLC meets its responsibilities is through the following associated Forums. These Forums, as well as any ad-hoc organizations reporting directly to the CLC, are open to all interested parties.

### **Network Operations Forum (NOF)**

The NOF provides a working Forum for all telecommunications industry participants to identify operations issues which are industry wide in scope involving the installation, testing and maintenance of exchange access and telecommunications network interconnection. In addition, the NOF identifies issues related to network integrity and reliability. Resolutions to issues are developed by consensus agreement for voluntary implementation by the industry.

### **Industry Carriers Compatibility Forum (ICCF)**

The ICCF provides an open Forum to encourage telecommunications entities to discuss and resolve, on a voluntary basis, national technical issues associated with telecommunications network interconnection and the issues associated with the assignment and use of North American Numbering Plan numbering resources.

### **Ordering and Billing Forum (OBF)**

The OBF provides a Forum for customers and providers in the telecommunications industry to identify, discuss and resolve national issues which affect Ordering, Billing, Provisioning and exchange of information about access services, other connectivity and related matters.

## **6. CLC and Forum Administrative Process**

The following sections discuss the administrative processes used by the CLC and its associated Forums. This includes meeting schedules, agendas, locations and meeting records (meeting minutes and notes), the responsibilities of the CLC and FCS, issue management and the disposition of issues in a "No National Agreement" status.

### **6.1 Scheduling**

CLC meetings are held three times per year during the January, May and September timeframes. The frequency of FCS meetings shall be at the discretion of the participants.

Appropriate consideration shall be given to scheduling CLC/FCS meetings in order to minimize conflicts with other related industry meeting schedules.

### **6.2 Location of Meetings**

**CLC:** Two out of the three CLC meetings scheduled during the year must be held in the Washington, D.C. area in order to facilitate FCC attendance. The host company for the meeting held outside of the Washington, D.C. area will be responsible for choosing the meeting location.

**FCS:** The host company for meetings will be responsible for choosing the location for meetings.

The first choice for CLC/FCS meeting locations should always be in or near a major airport hub city.

### **6.3 Agenda**

Agenda items should be provided to the CLC/FCS Secretary no less than 30 calendar days prior to a scheduled meeting. This will allow sufficient time to distribute the items to industry participants to better ensure appropriate representation at the forthcoming meeting. During agenda setting conference calls (when held), discussion should be limited to the establishment and clarification of agenda items.

## **6.4 Emergency Meetings**

Occasions may arise when normal CLC and FCS schedules will not support urgent business needs. When the need exists, the CLC/FCS leadership shall convene an emergency meeting.

## **6.5 CLC/FCS Meeting Records**

The CLC/FCS shall publish fair, objective and unbiased meeting records and ensure they accurately reflect the activities, resolutions and action items which resulted from meetings.

During the meeting, any participant shall have the right to have specific comments included in the meeting record which are related to the discussion of the issue, consistent with Section 6.6.3. In like manner, any participant may include other submitted material related to the issue under discussion in the meeting record. Dissenting opinions provided in writing from any participant shall be included as attachments to the meeting record. The meeting record is available from the CLC/FCS secretary to all interested parties in accordance with established procedures. The secretary shall add any interested party's name to the appropriate mailing list upon request. The use of real time process to produce the meeting record is optional but encouraged.

### **6.5.1 Meeting Record Guidelines**

The meeting record should include at a minimum:

- Corrections from the previous meeting record;
- Points noted/alternatives discussed including opposing viewpoints;
- Agreements reached;
- Identification of issues moving to initial/final closure or "No National Agreement" status;
- Action items;
- If not available at the meeting, participant reports (may include participants' implementation plans, if provided); participants' contributions, statements, documents, activities specifically requested to be recorded by any participant and other reference material relevant to the issues discussed.



Additional administrative data to be included:

- Date(s), location, Forum Moderators, Co-Chairpersons, secretary, hour of meeting opening and adjournment
- Attendance list
- Approved agenda
- Future meeting schedule

#### **6.5.2 Review of Secretary Notes**

At the conclusion of a major topic and/or during breaks, any participant shall be granted 'real time' review of the secretary's notes (e.g., view graphs, recap, review of secretary's notes, one-on-one). Copies made of notes, etc., will be made at the expense of the requestor.

#### **6.5.3 Meeting Information Dissemination**

Information relevant to forthcoming meetings shall be disseminated prior to meetings using one or more of the following:

- Electronic bulletin board
- Electronic mail
- US Mail or commercial express mail
- Facsimile
- Other electronic medium

#### **6.5.4 Recording of Meeting Proceedings by Attendees**

Meeting attendees are not to produce verbatim meeting records without the advance consensus of the CLC/FCS.

#### **6.5.5 Minutes Committee**

The need for a minutes committee shall be determined by the CLC/FCS. When a minutes committee is formed, it shall be comprised of the leadership (CLC and/or the FCS), secretary and any participant requesting to be included in the meeting record review. The minutes committee's function is to agree on draft meeting record prior to the secretary's distribution to the respective CLC/FCS.

In the absence of the minutes committee agreement, the secretary will insert all input to the meeting record received from the minutes committee members in the sections under dispute.

### **6.5.6 Meeting Record Distribution**

The draft meeting record should be distributed to the CLC/FCS within 20 business days after the conclusion of a meeting. As a general matter, the meeting record should be reviewed at the next meeting of the CLC/FCS for approval. Revised meeting records should be included with the record of the meeting at which they were approved. If the revisions to the draft meeting record are minimal, only the revised pages will be re-issued. The revised pages shall be noted as revisions to the draft meeting record (i.e., revision to draft meeting record dated 00/00/00).

## **6.6 Responsibilities**

These sections discuss the responsibilities of the CLC, the FCS and the CLC and FCS participants.

### **6.6.1 Carrier Liaison Committee Responsibilities**

It is the responsibility of the CLC to:

- Develop and maintain an appropriate mission statement.
- Provide an effective arena (Forums, Committees, etc.) for the discussion and voluntary resolution of issues affecting the provision of exchange access and telecommunications network interconnection. This includes the establishment, reorganization and dissolution of the aforementioned groups.
- Refer matters to an existing FCS, as appropriate. When an appropriate group does not exist, establish mechanisms to address industry issues.
- Review and confirm recommendations for Forum Moderators. The CLC shall ascertain that candidates have previous forum and industry experience and have the necessary commitments from their respective companies to carry out their duties.
- Monitor Forum activities to verify compliance with CLC Principles and Procedures. This is typically accomplished by the review of Forum reports and external correspondence at CLC meetings.

- Monitor the work and progress of the Forums' issues and facilitate their resolution (e.g., No National Agreement process - Section 6.8).
- Handle appeals from participants who believe they have been or will be adversely affected by an action or inaction by an FCS in accordance with Section 6.7.14.
- Assist Forums with coordination of meeting dates.

#### **6.6.2 FCS Responsibilities**

It is the responsibility of the FCS to:

- Develop and maintain an appropriate mission statement.
- Develop consensus recommendations and agreements for issues assigned by the full CLC or for issues directly raised by participants in the FCS.
- Comply with the principles and procedures of the CLC and conduct their activities within their defined mission and scope.
- Review and approve all meeting records and ensure that they accurately reflect activities, agreements, resolutions and action items which result from FCS meetings, conference calls or other activities.
- Approve reports to the CLC on all activities, recommendations and resolutions.
- Approve internal and external liaisons.
- Establish Committees, Subcommittees, Workshops, Task Forces, etc., as necessary.
- Ensure that all Committees, Subcommittees, Workshops, Task Forces, etc., have the opportunity to be co-chaired by different industry segments.

### **6.6.3 CLC/FCS Participants Responsibilities**

It is the responsibility of the CLC/FCS participants to:

- Be familiar with and understand the process and procedures used by the CLC/FCS.
- Be cognizant of and be prepared to address significant issues and help identify areas for possible solutions.
- Be recognized by the Forum Moderator, Committee or Subcommittee Chair or Designates before speaking.
- Refrain from statements, comments or actions that could be potentially offensive to any participant.
- Refrain from attacking a participant's motives.
- Confine remarks to the merits of the pending question or issue.
- Refrain from speaking adversely on a prior action or issue not pending.
- Refrain from disturbing the meeting.
- Recognize and be sensitive to antitrust laws.

### **6.7 CLC/FCS Issues Management**

The following sections address issue introduction, acceptance and implementation of issue resolutions. Also, a discussion concerning business issues, regulatory issues and issues that require expedited handling is included.

#### **6.7.1 Issue Introduction**

An issue must be introduced to the CLC or FCS before it can be formally accepted and any substantive discussion and activity can occur. The issue may be introduced through any of the following means:

- Written request to the CLC/FCS Chair/Moderator or Secretary;
- Agenda setting conference call (if used by the CLC or FCS to which the issue would be brought); or

- Raised at a meeting of the CLC or FCS under New Business.

The following information must be provided in order to introduce an issue for consideration by the CLC or any FCS. The submission will contain, at minimum, the following information:

- **Issue Originator's Input**
  1. Title
  2. Issue statement (a description of the issue to be addressed)
  3. Originator's identity and the Forum, task force, committee or subworking group to which the issue is to be presented
  4. Proposed resolution or action sought

Originators may provide an expected time frame for resolution of the issue (e.g., 6 months/1 year/2 meetings/3 meetings).

The issue originator is encouraged to include all relevant information which will assist participants in understanding the issue to be considered and the resolution requested. The successful resolution of issues is directly affected by the breadth of the information accompanying the issue and the clarity with which it has been communicated.

#### **6.7.2 Issue Acceptance**

All issues that meet the CLC/FCS mission statement and issue acceptance criteria (Attachment 1) should be accepted. The following input may be added to the issue form, when available, once an issue has been accepted.

1. Date on which the issue was accepted by the FCS
2. Issue number assigned by the Forum, task force, committee or subworking group for issue identification and tracking.

An issue will not be accepted, worked and placed in final closure at the same meeting.

#### **6.7.3 Issue Prioritization**

The order by which issues are prioritized and worked will be determined by CLC/FCS consensus.

#### 6.7.4 Issue Category Definitions

An issue category will be assigned and kept current by the CLC, Forum, task force, committee or working group in order to track the status of the issue. The categories that may be used are listed below.

- **Active:** An issue which has been accepted and is currently being addressed by the CLC/FCS.  
  
Initial Closure: The CLC/FCS has completed its work and is serving notice to the industry that the issue is moving to final closure.
- **Tabled:** An issue which has been addressed to some degree by the CLC/FCS but is inactive awaiting further information.
- **Referred:** An issue which was considered by the CLC/FCS to be more appropriately addressed by another body and was therefore referred to that body.
- **Resolved:** An issue which has been resolved through the consensus process at the CLC/FCS. Resolved issues shall not be addressed further unless a new issue is originated.  
  
Final Closure: Official notification to the industry that consensus has been reached on the resolution of an issue and the issue is closed.
- **Withdrawn:** An issue which has been accepted and later withdrawn by the originator or the consensus of the FCS in the absence of the originator.
- **No National Agreement:** National Agreement has not been reached (see Section 6.8).

#### 6.7.5 Issue Closure Process

This section identifies the process for the closure of issues by the CLC and the FCS.

#### **6.7.5.1 Initial Closure (If Used)**

Upon completion of deliberations of an active issue and based on consensus reached by the CLC/FCS participants, the issue under question will be placed in initial closure.

A period of at least one meeting cycle or no less than a period of six weeks must pass before an issue will be moved to final closure. This period of time provides the opportunity for interested parties to review a proposed resolution and, should the need arise, the opportunity to request that an issue not be moved to final closure. In the event an issue is not moved to final closure, such an issue shall be reviewed by the CLC/FCS.

#### **6.7.5.2 Final Closure**

An issue will be presented to the General Session of the Forum for acceptance of final closure. A consensus of the participants shall be necessary for an issue to be resolved.

#### **6.7.6 Timely Resolution of Issues**

Every effort will be made to work toward rapid and timely resolution of issues. However, this need must be balanced against the need to ensure that resolutions for all involved parties are fair and practical.

The ability of any FCS to attain timely resolution is dependent in part on how the issue has been defined, described and documented by the issue originator for presentation to the FCS for consideration.

#### **6.7.7 Consensus**

Consensus is established when substantial agreement has been reached among interest groups participating in the consideration of the subject at hand. Interest groups are those materially affected by the outcome or result. Substantial agreement means more than a simple majority, but not necessarily unanimity. Recommendations of all participants will be considered carefully and in good faith in seeking and in reaching consensus recommendations and resolutions.

The consensus process is to be free from interest group dominance, requiring that all views and objections be considered. This requires that a concerted effort be made toward issue resolution. Under some circumstances, consensus is achieved when the minority no longer wishes to articulate its objection.

### **6.7.8 Implementation of Resolutions**

CLC/FCS resolutions reflect the consensus views of the participants. While it is recognized and understood that such resolutions are not binding upon any CLC/FCS participant, and that it is solely within the independent and voluntary discretion of each participating company as to whether it will or will not implement any specific resolution, broad and consistent implementation of CLC/FCS consensus resolutions is a fundamental goal of the CLC.

For this reason, when a consensus resolution is adopted, a poll may be taken of the CLC/FCS participants regarding their company's present intent to implement the resolution. The information solicited may include whether implementation is intended. If the information is not available, it may be solicited or provided at a later time. Each participating company polled shall provide the information as it deems appropriate and is under no obligation to provide the information requested. Competitively sensitive information, including implementation timing and geographic location, marketing, pricing or similar information, specifically should not be requested or disclosed. Any responses made to the poll shall be recorded in the record of the meeting at which the poll is conducted.

A participating company's statement of intention in response to a CLC/FCS poll shall not be considered binding. To the extent any company or interested party relies upon the information provided in response to a poll, it shall be at the company's risk. Statements of intentions by CLC/FCS participants are not intended to circumvent nor replace direct discussions or negotiations concerning the commercial implementation of CLC/FCS resolutions. The CLC and the Alliance For Telecommunications Industry Solutions disclaim any responsibility for the accuracy or reliability of any information provided in response to a CLC/FCS poll.

### **6.7.9 Issues Requiring Expedited Handling**

Issues requiring expedited handling are normally directed to the CLC or FCS leadership. When an issue is referred to an FCS by a public body (e.g., the FCC or a court) that requires expedited handling, the FCS leadership shall inform the CLC Chair of such a referral.

An issue requiring expedited handling may be accepted by the CLC/FCS but may not be brought to resolution unless notification to the participants of the intent to move the issue to such resolution has occurred. The CLC Chairperson shall be notified immediately and be kept informed of the issue status by the FCS working the issue.



#### **6.7.10 Liaison with Other Industry Bodies**

Where certain facets of an issue are outside of the scope of the CLC/FCS' activities, the CLC/FCS shall communicate the issue, in total, or those facets of an issue outside the scope of the CLC/FCS' activities, to an appropriate body for deliberation and action.

#### **6.7.11 Issues with Business Implications**

In accordance with the antitrust laws, competitively sensitive information including pricing, market allocation and individual company competitive plans shall not be discussed. However, realizing every issue has business implications (e.g., implementation costs), discussion and resolution shall not be inhibited nor precluded by these business implications. It is recognized that costs may be a factor in implementation decisions.

#### **6.7.12 Regulatory/Public Policy Issues**

Some issues may be associated with a pending regulatory/public policy ruling. This shall not preclude the CLC or FCS from working such issues. However, no resolution dependent upon a specific ruling shall be adopted until such ruling has been made.

Discussion and resolution of issues should not be withheld because it might lead to the need for a tariff filing.

#### **6.7.13 Issue Tracking System**

An issue tracking system shall be devised so that all interested parties, whether or not in attendance at a FCS, shall be able to adequately ascertain the status of issues before any of the committees. The issues shall be appropriately formatted and assigned an issue number.

#### **6.7.14 FCS Appeal Process**

Participants in the CLC/FCS shall be afforded due process. When a participant believes that he/she has been denied due process and that he/she has been or will be adversely affected by a procedural action or inaction, a statement from the participant should be recorded in the meeting record. The statement should include the nature of the participant's objection, any details regarding the objection, and the